

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALEX CHEATHAM,

Plaintiff,

v.

Case No. 12-CV-11428
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, GRANTING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
AND REMANDING MATTER BACK TO THE ADMINISTRATIVE LEVEL FOR
FURTHER PROCEEDINGS**

I. INTRODUCTION

Plaintiff Alex Cheatham is before the Court on an appeal of the Administrative Law Judge's finding that he was not disabled and, therefore, not entitled to disability or disability insurance benefits. On March 19, 2013, Magistrate Judge Mona K. Majzoub recommended that this Court grant Plaintiff's Motion for Summary Judgment, deny the Commissioner's Motion for Summary Judgment, and remand this matter back to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). For the reasons stated below, the Court accepts the Report and Recommendation's findings of fact and conclusions of law without addition or omission. Therefore, the Plaintiff's motion for summary judgment is GRANTED and the Commissioner's motion for summary judgment is DENIED.

II. BACKGROUND

The Magistrate Judge described the factual basis of this action in great detail. The Court

adopts the Report and Recommendation's findings of fact in their entirety.

III. ANALYSIS

The Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* Any objections to the Report and Recommendation must be timely and specific. *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L. R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) ("The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.") "[O]nly those specific objections to the magistrate's report made to the district court will be preserved for appellate review; making some objections but failing to raise others will not preserve all the objections a party may have." *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Failing to file any objections waives a party's right to further appeal, *Id.*, and relieves the Court from its duty to review the matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Neither party has filed an objection to the Magistrate Judge's Report and Recommendation. In the absence of any timely and specific objections to the Report and Recommendation, the Court deems all objections waived and finds the Magistrate Judge's recommendation sound and appropriate. The Report and Recommendation's conclusions of law are accepted.

IV. CONCLUSION

Accordingly,

IT IS ORDERED that Magistrate Judge Mona J. Majzoub's Report and Recommendation [Docket No. 14, filed March 20, 2013] is ACCEPTED. The Court accepts the Report and Recommendation's findings of fact and conclusions of law in their totality.

IT IS FURTHER ORDERED that Plaintiff Alex Cheatham's Motion for Summary Judgment [Docket No. 9, filed August 3, 2012] is GRANTED.

IT IS FURTHER ORDERED that Commissioner's Motion for Summary Judgment [Docket No. 12, filed November 5, 2012] is DENIED.

IT IS FURTHER ORDERED that this action is REMANDED to the administrative level for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: April 30, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 30, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager